



IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
219 South Dearborn Street
Chicago, Illinois 60604

F I L E D
Aug 11, 2008
AUG 11 2008 MB

DUANE R. OLSON,
Applicant/Prisoner,

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Versus,

THE HONORABLE(S) LEINENWEBER/COX
THE UNITED STATES OF AMERICA,
Respondent/Defendant. /

CIVIL CASE: 08CV3505

A MOTION TO MOVE THE COURT TO ACT
and

A D E M A N D
FOR THE PRODUCTION OF JURISDICTION IN PERSONAM

NOW COMES, DUANE R. OLSON, (hereafter-Olson) in propria
persona and in want of Competent Counsel, To Move This Honorable
Court to Act on Olson's Application for Habeas Corpus Relief
and/or **A D E M A N D** for the Production of jurisdiction in per-
sonam or, for the Court to Issue an ORDER for Olson's Immediate
Release from IL-legal and UN-constitutional Imprisonment.

Statement of the Case:

On May 7, 2008, (3 months ago) Olson filed An Application
For Writ of Habeas Corpus Relief, Pursuant to the Provisions
of Title 28 U.S.C. § 2241(c)(3)., In United States District
Court For the Southern District of Florida, Miami Division.

On May 15, 2008, Magistrate WHITE "recommended that this case be transferred to the United States District Court" in Chicago "to determine whether this petition is successive, time barred or subject to any other procedural bar", without any mention as to whether or not Olson's Writ for habeas relief 'might' have any merit.

On May 28, 2008, Olson filed An Objection to Magistrate WHITE'S R & R for "the Obvious Reluctance of the Court to Accept its Responsibility 'to say what the law is'" while simultaneously agreeing to the 'transfer' to this Court. (Obj. @ -10-)

On June 4, 2008, District Court Judge, The Honorable ALAN S. GOLD, Issued an ORDER Adopting the Magistrate's R & R Transferring Olson's Application for Habeas Corpus Relief "to the Northern District of Illinois".

On June 22, 2008, Olson received NOTICE that His Application for Habeas Relief was filed with this Court on June 17, 2008.

On July 14, 2008, Olson received a NOTICE "to either pay the \$5 filing fee ***within 30 days, [or] the Court shall dismiss this action".

On July 21, 2008, Olson paid the \$5 filing fee, Receipt No: 4624006055.

On July 14, 2008, Olson filed A Motion to Move the Court for a Status Report.

On July 16, 2008, Olson received an undated NOTICE of Attorney Designation from ERIK A. HOGSTROM, Asst. U.S. Attorney.

On July 29, 2008, Olson filed A Motion to Amend or Supplement His Original Application with a Newspaper Article regarding Olson's Continued Efforts to seek "JUSTICE" from the People's Court.

As of this 5th of August, 2008, This Court has remained SILENT!

With this Honorable Court's Permission, Olson will attempt to be candid without arrogant, contentious, or acrimonious intent.

Olson Constructed His Application for Writ of Habeas Corpus Relief to Comply with Bousley and the Supreme Court's Opinion that a prisoner's Writ for Habeas Relief "[i]n appropriate cases the principles of comity and finality that inform the concepts of cause and prejudice 'must yield to the imperative of correcting a fundamentally unjust incarceration'". (Emph. Added) (140 L Ed 2d 828 (1998) (Orig. App. @ p. -3-)

Olson reasoned that His Claim of actual and factual innocence might 'get-by' the stringent requirements of the 'pretend-legislation' of a successive § 2255 and at the same time, by fashioning the Writ in a "personal-mode", if Olson's Theory of Constitution Law and Strategy of Argument were correct, it would relieve the Court from the Awesome Responsibility of rendering an Opinion that the Statute, Section 841., of Title 21, applies ONLY to Persons who Applied, were in compliance with applicable State and Local Laws, (DEA FORM 224 A) Paid the Required Fee, and Signed a Contract for federal jurisdiction to be federally

'regulated' in the Closed Commercial System of drugs or other substances and . . . **ALL OTHERS ARE EXEMPT!**

The "REAL" subject matter of Olson's Original Application for habeas relief and this Petition to Move the Court, is the Controlling Statute Utilized by the Executive and Judicial Branches of the Government of the United States to Conduct America's Moralistic "WAR on DRUGS" for the last nearly 40-years, in relevant part below;

OFFENSES and PENALTIES

§ 841. Prohibited acts A

Unlawful acts

"(a) Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance, or;

(b) Penalties

[a]ny person who violates subsection (a) of this section shall be punished as follows:"

Almost from the very begining, Mr. Justice POWELL Opined in U.S. v. Moore; 423 US 122, 46 L Ed 2d 333 @ 335 (1975), that the Statute, Section 841(a)(1).., "by its terms reaches any person and does not exempt (as it could have) 'all registrants' or 'all persons registered under the act'" and the Executive and Judicial wrongly interpreted the Court's Opinion to "reach 'any person'" on this Planet instead of 'all registrants * * * or all persons registered under the act".

Thus, the Judicial Branch has 'Advertised' and the Executive Branch has 'Enforced' a "truncated" and "amended" version of the Statute, Section 841(a)(1).., to make it;

**"unlawful for any person knowingly or intentionally—
to possess, manufacture, distribute, or dispense, a
controlled substance."**

" I T D O E S N O T ! "

Perhaps, over-simplified, a demonstration using the axiom of 'negative/positive' proof will establish for the Court, that Section 841(a)(1).., cannot . . . nor can it ever . . . constitutionally . . . be applied to 'punish' any person on this Planet NOT registered by the Attorney General and under Signed Contract for federal jurisdiction to be federally 'regulated' in the Closed Commercial System of "controlled substances" . . . whatever "THEY" are.

The 'negative' of the Statute, Section 841(a)(1).., makes it; "unlawful for any person knowingly or intentionally" to possess, manufacture, distribute, or dispense, controlled substances . . . "(a) Except as authorized by this subchapter" [ie., § 822(b)] and . . .

The 'positive' of the Statute, Section 841(a)(1).., makes it; "lawful for any person knowingly or intentionally" to possess, manufacture, distribute, or dispense, controlled substances . . . "to the extent authorized by their registration". [ie., § 822(b)]

AND

ALL OTHERS ARE E X E M P T !

As any reasonable thinking person, Especially from the Legal Community, can easily see, the Executive and Judicial Version (Id., @ -5-) is an illusionary or constructively 'implied' "LAW" that is NO LAW AT ALL!

The Statute, Section 841., was written to "Enforce" the "rules and regulations" promulgated for Persons registered by the Attorney General and Section 841(a)(1) describes and defines the OFFENSES of A Material Breach of a "REAL" Contract in which money passed from the registrant to the Attorney General for which the registrant 'promised' or has a 'duty' to possess, manufacture, distribute, or dispense, controlled substances "to the extent authorized by their registration" and . . .

The Statute, Section 841(b)., Prescribes the PENALTIES for "any person who violates subsection (a) of the section" referencing the "Authorized activities" of Title 21 U.S.C. § 822(b)., and their Contractual Agreement.

For the Government to Champion an Argument that the Statute, Section 841(a)(1)., was written to Apply to 'any person' at random, within the boundries of the United States, its Territories, and/or Possessions, is tantamount to a State Trooper who has Issued a Summons to a "pedestrian" for an Improper Left Turn, arguing that the State's Motor Vehicle 'rules and regulations' really Apply to pedestrians and legally licensed drivers are EXEMPT from the "rules of the road" . . . as long as they obey them . . . Preposterous and Ridiculous!

Much as Practitioner(s) and Professional(s) in the field of medicine are under Contract with the Attorney General to be 'regulated', Elected and Appointed Public Officials are under Contract with "WE, the People" to uphold and defend the Constitution for the United States and Officers of this very Court, as well as Government Prosecutors, place their left hand on the Bible and raise their right hand to God and "Solemnly Swear to faithfully *** perform all the duties incumbent *** under the Constitution and laws of the United States *** So help me God!"

Equally, much as Title 21 U.S.C. § 841(b) ., offers a remedy for a Material Breach of Contract with the Attorney General, so too does the Constitution offer a remedy for A Material Breach of Contract with "WE, the People", for "high Crimes and Misdemeanors".

While there are judicial and prosecutorial immunities for seeking monetary damages for the Court's Conduct **YESTERDAY**, there are no immunities for seeking Criminal Indictments for those Officers of the Court who would combine, conspire, and have tacit agreement to utilize a "law" (§ 2255) in order to violate, with malicious intent, the People's Perpetual Protections Secured by the Constitution and the Civil Rights Act of "WE, the People" . . . **TOMORROW!**

And WHO from the Legal Community, would ever Argue that the Constitution confer's legislative-jurisdiction for Congress to Enact a Statute (§ 885.,) that would "take-away" the People's

Fifth Amendment 'right' to "due process of law" and their 'right' against self-incrimination for an affirmative defense and the People's Sixth Amendment 'right' to be "informed of the 'nature' and 'cause' of the accusation" . . . WHO ?

The ONLY word or phrase in the entire 34-words of the Statute, Section 841(a)(1) . , relevant to federal jurisdiction in personam over the Conduct of Olson, is the "IMPLICATION" that the three letter word "ANY" as in 'any person' means any person at random including Olson, but the term or phrase, 'any person' (esjusdem generis) is used as a cannon of 'general' statutory construction that when preceded or followed by a "Specific CLASS" of persons defined as 'registrant', 'practitioner', or 'regulated person', the term or phrase 'any person' will be interpreted to include ONLY those persons of the SAME TYPE and 'CLASS' as those Specifically Identified in the Act.

IF the Statute, Section 841. , applied to any person or Olson, and it doesn't, but IF it did, Congress Identified the *actus reus* element essential to constitute the punishment prescribed in the Statute, Section 841(b) . , for "any person who violates subsection (a) of this section", and unless the infinite letter (a) describes and defines a Complete Crime, then . . .

By ALL the Gods in Heaven, the Government's lawyers are COMPELLED to prove, "beyond a reasonable doubt", that 'any person' or Olson is GUILTY of Conduct NOT authorized by a 'registration' that they were never qualified to apply for . . . much less . . . Promised to Obey!

Syllabus:

Olson will take the liberty of plagiarizing Mr. Justice HUGO BLACK'S dissenting Opinion in Turner v. United States; 24 L Ed 2d 610 @ 629, January 20, 1970; "Commercial traffic in deadly mind-soul and body-destroying drugs is beyond doubt one of the greatest evils of our time. It cripples intellects, dwarfs bodies, paralyzes the progress of a substantial segment of our society, and frequently makes hopeless and sometimes violent and murderous criminals of persons of all ages who become its victims" and Olson regrets His involvement with such traffic.

"Unfortunately, grave evils such as the narcotic traffic can too easily cause threats to our basic liberties by making attractive the adoption of constitutionally 'forbidden shortcuts' that might suppress and blot-out more quickly the unpopular and dangerous conduct."

That is 'EXACTLY' the UN-constitutional course of action the Judicial and Executive have taken to Conduct America's "WAR on DRUGS" for nearly 38-years, but if this Court will Offer Olson the Opportunity, Olson is confident that He can prove to this Court and the United States Attorney's Office, that the manner in which the Executive and Judicial Branches Conduct America's "WAR on DRUGS" is UNCONSTITUTIONAL!

The written words of the Framers of Our Constitution and the original Ten Articles of Amendment thereto, provide self-evidence that they were too wise, too pragmatic, and too familiar with TYRANNY to attempt to safe-guard Our Personal Liberty

with broad flexible words and phrases like; 'controlled substances', 'authorize', '(a)', and 'any' person. "Our Constitution was not written in the sands to be washed away by each wave of new judges blown in by each successive political wind that brings new political administrations into '**temporary power**'".

CONCLUSION

To be Precise, Olson's Application for Habeas Corpus Relief now '**stalled**' before this Honorable Court, far and away exceeds the Release of one 80-year old man from the daily madness of prison confinement, Olson Sincerely believes that He has Presented this Court with a Convincing, and Olson believes, a Conclusive Argument, that;

THERE IS NO Congressionally Enacted federal Criminal Statute or laws of the United States, or Common Law, Standing alone or bundled together, that would **PROHIBIT**, **FORBID**, or make it; **UNLAWFUL**, for 'any person' or Olson, to possess, manufacture, distribute, or dispense, "controlled substances". (State and Local Laws notwithstanding)

Here, Olson Contends, that for nearly **40-years**, The Executive and Judicial Branches of the Government of the United States have Combined, Conspired, and had/have tacit Agreement to Conduct America's "WAR on DRUGS" and "take-away" the LIFE, LIBERTY, and PROPERTY, of hundreds of thousands of People, Citizen and Foreign National alike, with dead-bodies on both sides, under color of **LAW** that is **NO LAW AT ALL**... but rather A CONSTRUCTIVE

IMPLICATION for federal jurisdiction in personam which is Contrary to the Framer's Intent, and in violation of the Spirit and Protections Secured by the Constitution for the United States and the most repugnant FRAUD ever perpetrated by a Government against its Own People!

To prove Olson's Theory of Constitution Law and Strategy of Argument **WRONG**... this Court need ONLY locate and identify, "with certainty and precision", the exact words (not conclusions of law) in the Constitution or the Statute, Section 841(a)(1) ., that would confer federal jurisdiction in personam to Impose Punishment upon 'any person' or Olson, Pursuant to the Penalties Prescribed in Title 21 U.S.C. § 841(b) ., for "any person who violates subsection (a) of this section" . . . and "lay the matter to rest"!

OR . . .

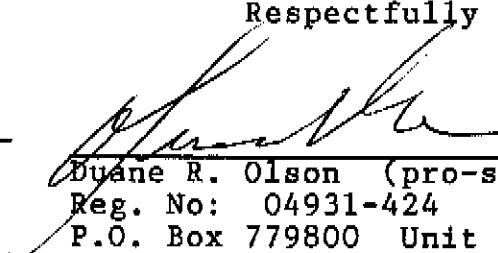
Refuse the jurisdiction of a legitimate § 2241(c)(3) ., and "hide" behind the "pretend-legislation" of a § 2255 ., in order to Continue what Olson believes to be, A Criminal Enterprise, Intended to "take-away" the LIFE, LIBERTY, and PROPERTY, of "WE, the People"; without jurisdiction . . . TOMORROW . . .

- In violation of the People's Perpetual Protections Secured by the Constitution for the United States;
- In violation of the Original Ten Articles of Amendment thereto, Especially, the Fifth and Sixth Amendments;
- In violation of Title 18, United States Code, Section 241 ., Conspiracy against rights, and;
- In violation of Title 18, United States Code, Section 242 ., Deprivation of rights under color of law.

Olson PRAYS that this Honorable Court will Interpret Olson's Application for Habeas Corpus Relief and the Instant Pleading to be in the National Interest as Intended, and IF the Court Produces the language in the text of the Constitution or the Statute, Section 841(a)(1)., that confer's federal jurisdiction in personam to Conduct America's "WAR on DRUGS" against 'any person' and subsequently Impose a term of 324-months in federal prison upon Olson;

Olson will Apologize to this Honorable Court and the United States Attorney's Office for the waste of valuable resources of time and dollars on Olson's frivolous and "Alice in Wonderland" fantasy!

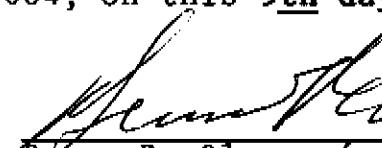
Respectfully Submitted,

Applicant/Prisoner — 

Duane R. Olson (pro-se)
Reg. No: 04931-424
P.O. Box 779800 Unit "C"
Federal Correctional Institution
Miami, Florida 33177-0200

CERTIFICATE OF SERVICE

I, DUANE R. OLSON, do hereby Swear and Certify, under Penalty or perjury, Pursuant to Title 28 U.S.C. § 1746., that a TRUE and CORRECT Copy of the foregoing 12-pages of this Motion to Move the Court to Act, and DEMAND for the Production of jurisdiction in personam, was mailed, First Class, to Assistant United States Attorney, Mr. ERIK A. HOGSTROM, at 219 South Dearborn Street, Chicago, Illinois, 60604, on this 5th day of August, 2008.



Duane R. Olson (pro-se)
Reg. No: 04931-424

DUANE R. OLSON
Reg. No: 04931-424
P.O. Box 779800 Unit "C"
Federal Correctional Institution
Miami, Florida 33177-0200

August 6, 2008

Mr. Erik A. Hogstrom Esq.
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604

RE: Amicus Curiae

Dear Mr. Hogstrom;

Enclosed, You will please find Your copy of My Motion to Move the Court to 'answer' My Application for Habeas Relief after nearly 2-months of silence.

If Your interest is more about "JUSTICE" than about winning a "lost-war", I would Challenge You to file an Amicus Curiae on My behalf and on the behalf of Our Constitution for the Court to "produce the body" and Hear My Theory of Constitution Law and Strategy of Argument.

On the other hand, IF You are able to Produce the language in the Constitution or the Statute, Section 841(a)(1).., that confer's federal jurisdiction to Conduct America's "WAR on DRUGS" against 'any person' at random or 'targeted' by the DEA, Please send such 'evidence' to me and I will Immediately apologize to You and the Court for taking You down the 'yellow brick road'.

Mr. Fitzpatrick's 'performance' as a Special Prosecutor in Washington regarding the VALERIE PLAME 'incident', leads me to believe He is a Patriot and will give You permission to Hear me out.

Respectfully,

